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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10 677,060	02/15/2002	Hugo Johan Cornelissen	NL010089	1636

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EXAMINER

CARLISO, ALAN B

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 04/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,060

Applicant(s)

CORNELISSEN ET AL

Examiner

Alan Canaso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4

b) ☐ Other

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by REITHMEIER (US 6,488,385).
4. REITHMEIER discloses an illumination system comprising a light emitting panel (10) and a light source (2) for coupling light into the light-emitting panel (10), the light source (2,5,15) including a low-pressure mercury-vapor discharge lamp (fluorescent lamps 2), characterized in that the light source (2,5,15) further comprises a plurality of light-emitting diodes (5,15); the light emitting diodes (5,15) comprises a light emission

5. As for phrases in claims 1 & 2, "for selectively setting the color temperature of the light emitted by the light source" and "for selectively increasing the color temperature of the light emitted by the light source", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over REITHMEIER (US 6,488,385) in view of TURNBULL et al (US 5,803,579).

8. REITHMEIER discloses applicant's claimed invention except the color temperature of the light emitted by the light source that can be set to range from 6,000 K to 11,000 K and the light emitting diodes comprising a blue light emission wavelength.

9. TURNBULL teaches light sources emitting light set in the range of 2,000 K to

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type light sources (col.22, lines 25-28) for the purpose of producing hue variations of white light applicable to at least backlight displays (col.9 line 63 to col.10, line12) to enhance apparent color and contrast (col.7, lines 19-24) of the object/display being illuminated. TURNBULL further teaches blue-green LEDs (col.22,lines 4-15) for the purpose of mixing light with another wavelength to produce at least white light.

10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the backlighting device of REITHMEIER with a set color temperature of the light source in the approximate range of at least 6,000 to 10,000 K and a blue light emission from the LEDs as taught by TURNBULL in order to produce variations of white light in enhancing visibility of the color and contrast of images.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over REITHMEIER (US 6,488,385) in view of MASS et al (US 6,539,656).

12. REITHMEIER discloses applicant's claimed invention except the light emitting diodes comprising a luminous flux of at least 5 lm. MASS teaches the use of light emitting diodes emitting light each of which is an luminous flux of at least 5 lm (col.6, lines 27-42) for the purpose of illuminating a display with high attraction value.

13. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the backlighting device of REITHMEIER with each light emitting diode emitting a luminous flux of at least 5 lm as taught by MASS et al in order to illuminate a display with high output or high attraction value.

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Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. EMMELMANN et al (US 6,508,576) show a gas discharge tube lamp (24) and light emitting diodes (32) about a light emitting panel (20,30). KANO (US 4,956,751) and VRENKEN et al (US 4,045,664) show fluorescent or vapor discharge lamps each having luminous flux that includes 7000 K and higher. CHAPMAN et al (US 5,685,637) show a dual spectrum illumination system that comprises plural LEDs (28,32), a halogen lamp (18,36) and control circuit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (703) 308-1952. The examiner can normally be reached on M-F (9:00-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Alan Cariaso
Primary Examiner
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AC
April 1, 2003